

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

CLERK'S OFFICE

A TRUE COPY

Sep 02, 2021

s/ Terri Ficek

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

21M709

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized);

Please see attached affidavit, which is hereby incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Section 2422(b)

Offense Description
"Use of a computer to attempt to entice a minor to engage in sexual activity"

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Investigator/ FBI Task Force Officer Michael Sewall

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
(specify reliable electronic means).

Date:

9/2/2021

City and state: Green Bay, Wisconsin

Judge's signature

U.S. Magistrate Judge, James R. Sickel

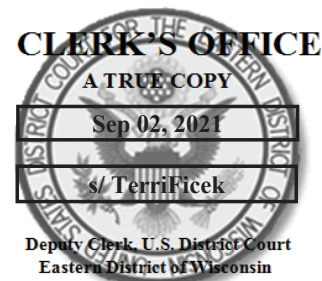
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

IN THE MATTER OF THE SEARCH OF
SAMSUNG GALAXY A12,
INTERNATIONAL MOBILE EQUIPMENT
IDENTITY (IMEI) NUMBER
350593473022028, CURRENTLY LOCATED
AT THE WINNEBAGO COUNTY
SHERIFF'S OFFICE, 4311 JACKSON
STREET, OSHKOSH, WISCONSIN 54901.

Case No.

21M709



**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Michael Sewall, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—an electronic device—which is currently in law enforcement possession, and the extraction from that property of electronically stored information described in Attachment B.

2. I am an Investigator with the Winnebago County Sheriff's Office and a Federal Task Force Officer attached to the Violent Crimes against Children Task Force with the Federal Bureau of Investigation Milwaukee Office, and have been employed as such since May, 2020. I have experience in conducting criminal investigations involving suspects using electronic communications to orchestrate criminal activity. I have assisted in the execution of warrants for the purpose of obtaining documents and information relating to various criminal activities. As a Task Force Officer with the FBI, I am authorized to investigate violations of the criminal laws of

the United States, and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICE TO BE EXAMINED

4. The property to be searched is a Samsung Galaxy A12 cellular telephone, International Mobile Equipment Identity (IMEI) number 350593473022028, hereinafter the "Device." The Device is currently located at the Winnebago County Sheriff's Office, 4311 Jackson Street, Oshkosh, Wisconsin 54901.

5. The applied-for warrant would authorize the forensic examination of the Device for the purpose of identifying electronically stored data particularly described in Attachment B.

PROBABLE CAUSE

6. On 05/04/2020, Investigatory James Megna, Winnebago County Sheriff's Office, began a proactive undercover investigation utilizing Kik messenger posing as a 41 year old female from Wisconsin. The username used in this operation was Ex.cheesyPizza33. Inv. Megna entered multiple public groups which appeared to be created for individuals interested in child sexual abuse material. From these groups, Inv. Megna was added to multiple other private groups within Kik that had members openly engaging in the distribution of child sexual abuse material. One of these groups was named, "Joe's truck stop" which is a private group in KIK Messenger.

7. The user "Fireman4079" was a member of this group which has been established as a child sexual abuse material sharing group on Kik Messenger. Over the course of time spent within this group multiple images and videos of child sexual abuse material have been shared with members of the group. Within this group, the user identified above would have had access to multiple images and videos of child sexual abuse material as a member of the group.

8. The user's profile picture showed a white male, wearing a red long sleeve shirt and jeans, with blondish-red hair and a mustache wearing glasses. The picture was taken outside Lambeau Field in Green Bay, Wisconsin. I sent the user, "Fireman4079" the following private message introducing myself:

08/05/2021 8:36 PM CST UC: "Hey hey asl (four purple devil face emojis)"

08/07/2021 8:04 AM CST User: "37 m mich"

9. The user asked where the undercover was from in the United States and the undercover said Wisconsin, the Oshkosh area. The undercover asked the user what he was into. The user responded "Ohhh I'm from Michigan Near marquette" "Im into anything really" "How about you". The undercover responded to the user; "No limits. Just no scat" "Messaged because I saw the packers while admiring the group I thought u would probably be local lol". The user responded "I'm 3 hrs away from gb".

10. The user then asked the undercover; "What have you all done sexually..young, old, same age". The undercover responded to the user; "Done a lot, u go first". The user responded; 16 yr old...17...19...24..31..and 35". The user then responded, "The 16 yr old...I snuck into her grandparents house and we fucked in her bed over several months".

11. The undercover asked the user if he had any children of his own. The user responded, "No...my ex wife didn't want kids which sucked". The user then sent the undercover of an image of himself, which depicted a white male, late 30's to early 40's, with blondish-red hair that was short, a goatee, wearing glasses and was shirtless, in what appeared to be a room in a basement due to the exposed rafters and wood paneling on the walls. The user then a short time later sent an image that depicted what appears to be the same male, but nude in a bathroom with his penis exposed and his face covered by the cell phone taking the image. The user then sent another image, which depicted the same male from the original image sent, in another bathroom, nude and with his penis exposed.

12. The undercover responded to that image to the user; "my 15 year old now have a different kind of relationship now. More of a guide into her pleasure world now from the outside looking in". The user responded; "Ohhh" "she is 15 now". The undercover responded to the user, "Yes she is" "Very frustrated with boys her age".

13. The user responded, "Mmmmm that's hot". The undercover responded to the user, "All about themselves and not pleasure for both involved". The user responded, "She can always have me..if she wants". The undercover responded to the user, "Really?" The user responded, "I'll make sure she cums over and over before me" "Really..as long as it's okay with you". The undercover responded to the user, "That's what she wishes for in a man she's very frustrated and I tell her constantly to keep practicing and she will find someone that will meet her needs". The user responded, "I'll meet her needs...anytime she wants" "And yours too if wanted".

14. As the conversation continued about if the undercover's 15-year-old daughter would like him or not and the possibility of me allowing for him to engage in sexual activity with her, the user said, "I always aim to please...no matter age or relation" "As long as it's a secret I'm

down." The user informed me that he lived in a suburb, near the woods. The user sent an image of himself wearing a grey Green Bay Packers hat and a sweat shirt, with a wooded area and a body of water in the background. The next image himself wearing the same clothing and similar type of background. I asked where that was and he said it was about 20 minutes from his house, near the Northern Michigan University campus. The user sent a number of images of the area and said that he used three different types of cell phones to take those images. The user responded that he had a LG Phoenix, 5, and now he has a Samsung phone, but has had three different phones over a three-year period.

15. The user sent the message, "Were you able to show Kay the pic I sent last night", "How does she like my dick". The user then sent the message, "How tight is her lil pussy". The undercover explained to her that she is 15-years-old. The user responded, "Mmmm I really hope we all can meet" "Me fucking her...while ur naked and rubbing ur pussy". The user then sent a live image of himself standing nude, with his penis exposed, in again what appears to be his basement at his residence. The second live image the user send was of a downward angle showing his penis. The third live image was of his penis. The user then sent a live video of himself masturbating. The user then asked if he could see more images of the undercover's daughter and the undercover.

16. The undercover sent the user an image of what I informed him to be my 15-year-old daughter. The user responded with, "Damn...ur daughter is HOT!!!!!" The conversation continued and the user said, " Would u wanna be a grandma". The undercover responded to the user, "I'd love to even better if I could watch it happen". The user responded with, "You can". The undercover replied to the user; "U seriously ok with that?" The user responded, "Yeah...I fucked a 16 yr old" "And I know her sister who was right next door heard us and probably

watched". The undercover responded to the user, "That's super fucking sexy" "I'm happy we met lol". The user responded, "Yeah it was...she even let me blow loads in her all the time" "Me.too" "I hope she loves how big I am" "I'm sure u do".

17. The user then sent an image of an adult males penis being held by a hand. The undercover responded to the user, "I just showed her the pics" "She said omg are u serious he likes me" "(The smile heart face emojis)". The user responded, "Yeah I do" "Does she like my dick" "I would eat her pussy till she screamed". The user went on to explain how he had weekend off that that he works Monday through Friday 6am to 3pm, but 5am to 2pm our time. The undercover sent the user the message "Vacation or sick day tomorrow? lol" The user responded, "Used all my vacation" "I can be there Friday or Saturday". The user went onto explain house he is only four hours away from our location in Oshkosh, Wisconsin.

18. The undercover informed the user that the undercover could tell the husband that the daughter and the undercover were going to the mall for a girls' day and then Kay is sleeping over at a friend's Friday night. The undercover informed the user that my daughter and I could not drive very far due to my husband tracking the gps on our phones. The user asked where the closest mall was. I informed him the Oshkosh Outlet Mall, but that they could get a hotel and he could meet us at the park and ride to take us to the Motel 6 in Oshkosh. During the course of conversation while talking about meeting the user sent the message, "No...just.got my dick in ur daughter on ur brain". The undercover informed the user that Friday would be best to meet. The user agreed and he told me that he would know for sure if he was coming by Thursday or Friday morning.

19. The user then sent the message, "How would explain to hubby if I got her pregnant". As the conversation continued about how my husband has caught her with boys her

age before, the user sent the message, "Hope she like a good fucking". The undercover responded to the user, "It's gonna be such an amazing experience that I hope we never forget." The user responded, "Cause I'm gonna POUND her little pussy".

20. The user then sent the message, "How nice is Kay's body". The undercover informed the user that Kay was a cheerleader. The user responded with, "Ohhhhhh so very tight and sexy". The user then asked how tall the daughter was and the undercover informed him that she was 4'9". The user responded, "Mmm short, cheerleader, so I can bend her anyway I want" "Lol" I can wait to meet her" "And you as well mommy," "This will be my 1st mother/daughter" "Would you want another child too" "Ill get u both pregnant if u want". The user then sent an image of a males erect penis being held by a hand, which matches the previous images sent that he said was his penis. The user then sent messages in reference to my 15-year-old daughter, "She will get FUCKED and filled up my sperm" "I wanna fuck you both BADDDEDD".

21. The user then sent another live image of his penis, with a similar background while he is laying down, with a tv and clothes hanging in the background. It should be noted that a live image is shown by the KIK application with the words "camera" under the image sent. The user asked how the daughter was today. The undercover informed him the the undercover was at work and that she was still at a sleepover before I had left. The user sent the messages, "Ohhh is she happy that I like her" "Did u think of my dick in you and her last night" "And eating both ur pussies till u both cum over my face".

22. The user then asked to see more images of the daughter and the undercover. The undercover sent him a number of undercover images of who he believed to be "Lisa". The user then sent the message, "Mmmmm I can't wait to see u naked and rubbing urself as I fuck Kay". The user then sent another live image of his penis.

On August 12, 2021, while talking to him about meeting up the following day, the user said at 09:09 AM CST "U promise no police or anything". The user informed me that he had to work till 2pm his time, then it's about a four hour drive and would arrive in Oshkosh, WI at 6 PM CST. The user also asked if the undercover would allow him to be alone with my 15-year-old daughter the night of August 13, 2021 after we initially meet up. The user sent the message "I'm sure Kay and I will have a few times in the shower" "The 2 of us might never sleep" "Her pussy will be sore ill say that". The user then asked "Do u want her pregnant" "or should we wait on that".

23. The conversation continued about where to meet. The user brought up the Oshkosh Outlet Malls located off Washburn St in the City of Oshkosh. The undercover again informed the user that the undercover would leave their car somewhere in the area and he would pick us up. The user said there would be plenty of room in his truck, that it could fit six people, but that my daughter, him, and the undercover could all sit in the front seat together. The user then sent the message, "I'm really excited to be with u both... and so very thankful u are giving me this opportunity" "To put my dick in a 15 yr old daughter and mom is gonna be there and join is sooo incredibly HOTTTT" "Having mom watch me fuck her daughter then mom is a dream".

24. The user sent the message, "When we go to the hotel we ca pretend like husband and wife with our daughter". The user then sent a live image of a packed bag with a helmet in it. The user said he packed his fire fighter helmet and sent the message, "She will have it on while bouncing on my hard dick".

25. The Kik messenger user was identified as Scott Daniel Sundberg, DOB:

1979, address [REDACTED] Ishpeming, Michigan 49849. I should also be noted

that the image sent of the user sitting out front of his house that showed a the neighborhood, matches the same image of his residence from Google maps.

26. While going through Sundberg's Facebook page, Inv. Megna did observe a number of images posted by him with the same young blonde female he claimed to be his niece. Inv. Megna located an image that Sundberg posted on October 6, 2020 of a Ford F-150. Through a date collection site used by the Winnebago County Sheriff's Office that a red Ford F-150 with a Michigan plate number of EJE1917 which returns to 2005 Ford F-150 to Sundberg.

27. On August 13, 2021, at 3:42 AM CST the undercover messaged the user and he responded at 3:48 AM CST that he started work early so he could done for the day at an earlier time for the trip. At 8:01 AM CST the user messaged me that he was going to try and leave work at 10 AM his time, 9 AM Central time and that it would be about a four-hour drive. The undercover informed the user that the best place to meet for him to pick us up would be the park and ride next to the outlet mall in Oshkosh, WI off of Hwy 44 and Washburn. The undercover informed him it was close to the Motel 6 and other places. The user agreed and said at 9:08 AM CST that he was leaving work at that time, he needed to get cash and gas and would be on his way. The user informed me that he would tell me when he was at the Wisconsin/Michigan border. The undercover provide the address of the outlet mall located at 2550 S. Washburn St, Oshkosh, WI 54904.

A short time later the user then sent me a live image of him driving. He is in a black t-shirt with glasses on inside what appears to be a pick-up truck and at 11:03 AM he informed me that he was on hour from the border. At approximately 12:30 PM on August 13th 20201, the undercover received a message from the user informing me that he has just crossed over the

border into the State and Eastern District of Wisconsin.

28. At 2:03 PM CST Sundberg sent the undercover the message, "I'm here!!!!!!!" "At the stop light waiting to turn left". At this point the undercover observed a red Ford F-150, with black fenders exit from I-41 SB onto HY 44, go WB on HY 44 and stop at the light. The vehicle then turned left, drove past the Skier's Outlet and into the park and ride lot next door to the south. The undercover told him previously that I would be parked in the park and ride lot next to an RV that was parked in the lot. The suspect vehicle entered the park and ride lot and parked in a space adjacent to the RV I had described. At this point contact was made by Winnebago County Sheriff's Office Detectives, FBI TFO Sewall and FBI SA Deamron. Sundberg was sitting in the driver's seat with the window down. Sundberg was ordered to show both his hands and exit the vehicle and Sundberg complied. Sundberg was placed under arrest on 08/13/2021 at approximately 2:05 PM CST. He was turned over to Winnebago County Sheriff's Office Deputy Wiesse and placed into a squad car. A Samsung Galaxy A12 cellular device was located in the vehicle and seized as evidence.

29. Sundberg was subsequently interviewed by your affiant and Inv. Megna at the Winnebago County Sheriff's Office. Sundberg informed us he was from Ishpeming, Michigan. Your affiant detailed to Sundberg what we do as investigators in the Internet Crimes Against Children Task Force and then asked Sundberg to discuss with us what had happened. Sundberg informed us that he had met a woman on Kik who stated she was a mom of a 15 year old girl. Sundberg stated that the mom said she wanted Sundberg to fulfill their dreams. Sundberg stated that he had sent some "explicit" photos. Sundberg stated his messages in the chat would make it seem like he was more interested in the daughter though he stated he was more interested in the

mom. He went on to say that we would find messages from him that talked about the fact that he wanted to meet the two so he could have sex with the daughter while the mom watched.

30. Sundberg then elaborated on the events that would take place that day. He stated that he drove from Ishpeming, Michigan at approximately 11:00 am. He stated that the plan was to meet the mom and daughter, go to a hotel and then have sex with the daughter while the mom watched. He stated that every man's fantasy is to be with a mom and daughter, but continued to tell us he was more interested in mom. He informed us that when he sent the explicit photos, photos of him nude from the waist down, he thought the mom would show the daughter.

31. Your affiant asked Sundberg how many videos/images of child sexual abuse were on his device he confirmed there would be somewhere between 15 and 20 images/videos of child sexual abuse on his device but went on to say that he deleted them this morning. He then apologized for his actions and stated that he truly wasn't this type of person. He informed us he was a firefighter for 22 years and a hard-working person but made a mistake today. Your affiant began to discuss his motivation for his actions that day and inquired as to whether or not there were some desires that might have motivated him. He replied "That's basically kind of what it was it was a desire that just went totally into left field". Inv. Megna asked when the desires began and Sundberg stated "beginning of the year", "I made a mistake just this one time". He confirmed that his curiosity of the "younger content" is what drove him to search for and subsequently join the groups. He stated that he started "playing around with it" and eventually made his way to "that part" of Kik.

32. During the interview we showed Sundberg the Samsung Galaxy A12 cellular device and he provided us the passcode for that device.

33. The Device is currently in the lawful possession of the Winnebago County Sheriff's Office. It came into the Winnebago County Sheriff's Office possession when it was seized incident to arrest. Therefore, while the Winnebago County Sheriff's Office might already have all necessary authority to examine the Device, I seek this additional warrant out of an abundance of caution to be certain that an examination of the Device will comply with the Fourth Amendment and other applicable laws.

34. The Device is currently in storage at the Winnebago County Sheriff's Office, 4311 Jackson Street, Oshkosh, Wisconsin 54901. In my training and experience, I know that the Device has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Device first came into the possession of the Winnebago County Sheriff's Office.

35. On August 13, 2021, a criminal complaint charging Sundberg with violations of Title 18, United States Code, Section 2422(b) "use of a computer to attempt to entice a minor to engage in sexual activity," was signed by U.S. Magistrate Judge James R. Sickel.

TECHNICAL TERMS

36. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or

traditional “land line” telephones. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

- b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- c. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video,

or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna’s latitude, longitude, and sometimes altitude with a high level of precision.
- e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing

computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.

- f. IP Address: An Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- g. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international

borders, even when the devices communicating with each other are in the same state.

37. Based on my training, experience, and research, and from consulting the manufacturer's advertisements and product technical specifications available online at <https://www.bestbuy.com/site/at-t-prepaid-motorola-moto-e5-play-with-16gb-memory-prepaid-cell-phone-black/6300370.p?skuId=6300370>, I know that the Device has capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

38. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

39. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the Device was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the Device because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact electronically stored information on a storage medium that is necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

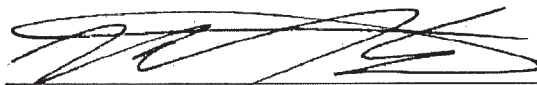
40. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

41. *Manner of execution.* Because this warrant seeks only permission to examine a device already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

42. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the Device described in Attachment A to seek the items described in Attachment B.

Respectfully submitted,



Michael J. Sewall
Investigator/ FBI Task Force Officer
Winnebago County Sheriff's Office

Subscribed and sworn to before me
on September 2, 2021:



JAMES R. SICKEL, UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

The property to be searched is a Samsung Galaxy A12 cellular telephone, International Mobile Equipment Identity (IMEI) number 350593473022028, hereinafter the "Device." The Device is currently located at the Winnebago County Sheriff's Office, 4311 Jackson Street, Oshkosh, Wisconsin 54901.

This warrant authorizes the forensic examination of the Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the Device described in Attachment A that relate to violations of Title 18, United States Code, Section 2422(b) and involve Scott D. Sundberg since August 4th 2021:

- a. Personal identification information related to the user of the Device;
- b. Any call logs, including incoming and outbound phone calls dialed or completed and any related phone numbers;
- c. Any incoming and outgoing text messages, drafts of text messages, text notes, passwords, or codes;
- d. Any contacts, addresses, phone numbers, email addresses, SMS or pager addresses, including E-mail correspondence, saved web links, content and connection log files, including dates, times, and methods of connecting;
- e. Any videos, pictures, or other multimedia files;
- f. Any calendar data, including but not limited to appointments, notes, contact information, directions, coordinates, and travel information;
- g. Internet chat files and internet search histories;
- h. Documents, including but not limited to electronic documents, log books, identification paperwork, letters, notes which may contain evidence of captioned violations;
- i. Text messages related to the actions described in this affidavit;

- j. GPS logs/coordinates showing locations of stops or routes of travel;
- k. Maps or searches related to route history or alternative routes of travel;
- l. Information about and any activity related to e-mail accounts logged into through the Device;
- m. Messages, in any format or application, that contain discussions with the Undercover;
- n. Internet search history related to the actions described in this affidavit.
- o. any information recording Jenkin's schedule or travel from October 1, 2019 to the present;
- p. all bank records, checks, credit card bills, account information, and other financial records;
- q. records of Internet Protocol addresses used;
- r. records of Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

2. Evidence of user attribution showing who used or owned the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

This warrant authorizes a review of electronic storage media and electronically stored information seized or copied pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI/Winnebago County Sheriff's Office may deliver a complete copy of the seized or copied electronic data to the custody and control of attorneys for the government and their support staff for their independent review.